

The Abstract has been objected to because of the use of phrases which can be implied, such as "is provided". The Abstract has been amended to delete reference to the words "is provided" and is now assumed to be allowable.

The drawings have been objected to for failure to show reference numeral 116. In this regard, FIGS. 10 and 11 have been amended to include reference to end 116. Copies of FIGS. 10 and 11 with changes thereto marked in red for approval by the Examiner are enclosed herewith.

The Examiner has objected to the words "side portion 89" contained on Page 8, line 17 of the application. Applicant finds such words not on Page 8 but instead on Page 7, line 18. The specification has been corrected, namely the paragraph beginning on Page 7, line 11, as suggested by the Examiner and is now assumed to be acceptable.

Claims 1, 2, 8, 9, 11, 13, 14, 15, 17, 25-27 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by Brennan (U.S. Patent No. 3,613,898). Claims 1, 2, 5, 8, 9, 11, 14, 15, 17, 25-27 and 31 have been similarly rejected by De Beer (U.S. Patent No. 5,076,447). Claims 3, 4, 12 and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brennan as applied to Claims 1, 2, 8, 9, 11, 13, 14, 15, 17, 25-27 and 31 above, and further in view of Richer (U.S. Patent No. 3,057,460), while Claims 29 and 30 have been similarly rejected as being unpatentable over De Beer as applied to Claims 1, 2, 5, 8, 9, 11, 14, 15, 17, 25-27 and 31 above and further in view of Mailloux et al. (U.S. Patent No. 5,572,775). Reconsideration of these claims is respectfully requested.

Brennan discloses a cap locking means for a wardrobe hanger bar. The hanger bar structure 10 comprises an elongate generally inverted U-shaped carrier member 11 which forms a crossbar support for carrying a plurality of coat hangers H, and an elongated generally W-shaped locking member 15 adapted to lie over the carrier member 11 and provide a plurality of support areas for hangers H on the carrier member. Col. 1, lines 69-75. The carrier member 11a as illustrated at FIG. 1, is provided with space tongues T1 struck-out from the center wall 11a and extend upwardly. Preferably, the tongues T1 are provided at either end of the carrier member 11, however, if desired, additional tongue members may be provided. Col. 2, lines 4-9. Preferably, the locking member 15 extends a substantial portion of the longitudinal extent of carrier member 11 but less than its total length. Col. 2, lines 12-14. In the embodiment shown at FIG. 1, the locking member 15 is provided with a pair of spaced apertures O1, O1 in mating relation with the tongues T1, T1 on carrier member 11. Col. 2, lines 22-25. In operation, carrier member 11 is placed on a suitable support means and a plurality of a particular type of hanger H is placed thereon. The locking member 15 is moved into the appropriate position, as determined by the type of hanger onto the carrier member 11 and caused to lie over the carrier member until the tongue and aperture of the respective members are in mating relationship with each other. The tongues are then inserted through the aperture for locking, as by bending the tongues at an

acute angle to the vertical until they lie in a substantially parallel plane to the center walls of the members 11 and 15. In this manner a plurality of support areas are provided along the upper portion of the hanger hook supported by carrier member 11 preventing their disengagement or deformation during the transportation of the carrier member 11. Col. 3, lines 31-50.

De Beer discloses a holder for positioning clothes hangers laterally relative to one another. A holder is provided that exhibits recesses into which hooks of the clothes hangers can be clamped. See Abstract. FIGS. 1a, 1b and 1c show a holder of the invention in a closed, open, and nonassembled state, respectively. The holder comprises two halves, 1 and 1'. The two holder halves 1, 1' are identical and each one exhibits two eyes 2 and 3, 2' and 3' respectively, of which one bears a central hole, 4, 4' and the other, a central aligning trunion 5, 5' provided to interact with the hole 4, 4'. Each of two eyes 2, 3 and 2', 3' of a holder half 1, 1' respectively, is connected to one another by means of an arm 7, 7' provided on one side with recesses 6, 6'. Col. 1, line 66 to Col. 2, line 8. By slightly forcing laterally apart the eyes 2 and 3' that are not yet connected to one another in such a manner that the eye 2 can be pushed with hole 4 over the aligning trunion 5' of eye 3', the holder of the invention can be brought into the closed state, as shown in FIG. 1a. When the holder halves 1, 1' are in this position, the corresponding recesses 6, 6' of both arms 7, 7' form vertical openings in the holder, which, according to FIG. 4, serve to accommodate and mutually position hooks 8 of the clothes hangers 9. The holder halves 1, 1' are preferably made of plastic and can be injection molded in large quantity cost effectively. Col. 2, lines 19-31. Arms 7, 7' can be provided with advertisement stickers. Col. 2, lines 46-47. As an alternative, it is also possible in another embodiment of the invention to design the holder as shown in FIG. 3. In so doing, the recesses 16 of the one-piece holder 18 are designed in such a manner that a flexible tongue 17 is formed between each two neighboring recesses 16. The tongues prevent hooks of clothes hangers from sliding out of recesses 16 since they are snapped in behind the tongues. This embodiment of a holder of the present invention can be manufactured most simply and most cost effectively, but does not offer the same reliability in positioning the clothes hangers as the two aforementioned variants according to FIGS. 1 and 2. For blouses, shirts, and other light garments it does, however, overcome the problems associated with the prior art. Col. 2, line 66 to Col. 3, line 12. Even if in many cases injection moulded plastic suggests itself for the manufacture of the holders of the invention, other materials such as metal and/or metal-coated plastics can also be used. If other clothes hangers with hooks made of a magnetizable metal are used, the holders can be made preferably of such material or at least a magnetic material in areas in which they interact with the hooks in order to prevent the holder from an unwanted displacement at the hooks of the clothes hangers. Col. 3, lines 22-31.

Richer discloses a combination of a garment container and a garment suspension means. The slit 8, 9 of the container 1 is adapted to removably receive a suspension unit generally

indicated at 10. The suspension unit consists of a one-piece blank of elongated shape as shown in FIG. 5. Col. 2, lines 21-24. The central rib portions 14 of the suspension unit are folded one against the other along the common central crease line 11 to define a rib the two layers of which may be stapled or taped together although, the slit 8, 9 in the roof 4 is generally sufficient to hold them together. Col. 2, lines 44-48. The center portions 14 of the suspension unit are provided with a plurality of spaced holes 21 and/or slots 22 adapted to register with each other when said portions 14 are folded one against the other, for receiving the hook of a garment hanger A as shown in FIG. 3. The slots 22 and/or holes 21 permit adjustable spacing of the several garment hangers A in accordance with the various thicknesses of the garments suspended from said hangers. Col. 2, line 72 to Col. 3, line 7.

With respect to Claim 1, as amended, Brennan does not disclose a lightweight hanger spacer for use with a plurality of hangers having respective necks including, among other things, a unitary, thin body of a material selected from the group consisting of cardboard and plastic extending along a longitudinal axis. The hanger bar structure disclosed in Brennan is not lightweight and does not include a unitary, thin body of a material selected from the group consisting of cardboard and plastic. Instead, the carrier member 11 of the Brennan structure is most likely made of metal, a material which would appear to provide the strength required to span a corrugated cardboard carton (Col. 3, line 1) and yet support a plurality of garment-laden hangers. Metal would also permit the bending of the tongues T1, discussed above, for securing the locking member 15 to the carrier member 11. In contrast, the hanger spacer of Claim 1 does not serve to support the hangers and can thus be lightweight.

Further with respect to Claim 1, neither Brennan nor De Beer discloses a unitary, thin body of a material selected from the group consisting of cardboard and plastic having a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces for slidably receiving the respective necks of the plurality of hangers. There is no disclosure in Brennan of holes 11c or O₂ (shown in FIG. 2) slidably receiving the necks of hangers. Instead, holes 11c appear to be merely the byproduct of the formation of tongues T1, while holes O₂ appear to be provided merely for receiving the tongues T2.

With respect to De Beer, the embodiments shown in FIGS. 1 and 2 are not lightweight, let alone provided with a unitary, thin body. In contrast, such embodiments are each provided with two halves pivotably coupled together. Nor are such embodiments provided with a plurality of longitudinally spaced-apart holes for *slidably* (emphasis added) receiving the respective necks of hangers. Rather, the Abstract of De Beer teaches away from such a slidably receipt by stating "a holder is provided that exhibits recesses into which hooks of the clothes hangers can be *clamped* (emphasis added)." The embodiment shown in FIG. 3 of De Beer is not provided with

a plurality of holes, but instead is formed with a plurality of recesses into which the hanger hooks are snapped.

De Beer further does not disclose a hanger spacer of the type set forth in Claim 1 in which the unitary, thin body is provided with first and second longitudinally-extending portions inclined at an angle relative to each other whereby the inclination of the first and second portions relative to each other provides rigidity to the body. None of the embodiments disclosed in De Beer are formed from a unitary, thin body having such first and second longitudinally-extending portions. The Examiner erroneously points to arms 7, 7' as being portions that are inclined at an angle relative to respective halves 1, 1'. As discussed above, however, arms 7, 7', together with respective eyes 2 and 3, 2' and 3', form respective halves 1, 1'.

The unitary aspect of the claimed hanger spacer is an important feature of the invention because such a spacer is relatively simple in construction and operation and inexpensive in cost. The thin body and lightweight features of the hanger spacer are important as they serve to minimize wrinkling of garments carried by the hangers should the hanger spacer rest on the collars or other top portions of the garments. The inclusion of a plurality of holes in the thin body for slidably receiving the necks of the hangers is also an important feature of the invention. Such slidable receipt of the hangers permits the hangers to fan or pivot outwardly from each other when the hooks of the hangers are clenched by a human hand during transport. Such fanning of the hangers further separates the garments during transport, thus additionally inhibiting the formation of wrinkles in the garments. Similar grasping of hangers retained by the De Beer device would not cause such fanning because of the clamping of the hangers provided by the De Beer holder.

Former Claim 3, the limitation of which has been included in amended Claim 1, was rejected over Brennan in view of Richer. In this regard, neither Brennan nor Richer discloses a hanger spacer, but instead disclose bars for holding hangers. A proper analysis of the obviousness/nonobviousness of the claimed invention under 35 U.S.C. §103(a) requires consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should carry out the claimed invention; and (2) whether the prior art would also have revealed that in so carrying out the claimed invention, those of ordinary skill would have a reasonable expectation of success. Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure. In re Semaker, 217 U.S.P.Q. 1, at 5 (Fed. Cir. 1983); and In re Vaeck, 20 U.S.P.Q.2d 1438, 1442 (CAFC 1991).

In the present case, the rejection of the claims under 35 U.S.C. §103 is in error because the cited references fail to provide the requisite suggestion/motivation to utilize the disclosures thereof for a hanger spacer, let alone a lightweight hanger spacer of the type called for in Claim

1. Accordingly, even if Brennan and Richer are combined as suggested by the Examiner, the combined disclosures do not suggest or disclosed the claimed invention.

Claims 2-6 and 8 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein. For example, Claim 2 provides that the first and second portions are bendable relative to each other, a limitation not disclosed by Brennan or De Beer.

Claim 11 is patentable over Brennan and De Beer for the same reasons as discussed above with respect to Claim 1 by calling for a lightweight hanger spacer for use with a plurality of hangers having respective necks comprising a unitary, thin body of a nonmetallic material, the body having a substantially planar central portion and opposite first and second side portions inclined at respective angles relative to the central portion, the central portion having opposite first and second surfaces and a longitudinal axis, the central portion being provided with a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces adapted for slidably receiving the respective necks of the plurality of hangers whereby the first and second side portions provide rigidity to the body and the spacing of the hangers by the central portion inhibits wrinkling of garments or other objects carried by the hangers.

Claims 12-18 depend from Claim 11 and are patentable for the same reasons as Claim 11 and by reason of the additional limitations called for therein.

Claim 25 is patentable over Brennan and De Beer for the same reasons as discussed above with respect to Claim 1 by calling for an assembly comprising a plurality of hangers having respective necks, a unitary, thin spacer extending along a longitudinal axis, the spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces for slidably receiving the respective necks of the plurality of hangers whereby the spacing of the hangers by the spacer inhibits wrinkling of garments or other objects carried by the hangers.

Claims 26-32 depend from Claim 25 and are patentable for the same reasons as Claim 25 and by reason of the additional limitations called for therein. For example, Claim 26 is additionally patentable by stating that the spacer is provided with first and second longitudinally-extending portions inclined at an angle relative to each other for providing rigidity to the spacer while Claim 27 is additionally by patentable by stating that the first and second portions meet at an edge and each extend downwardly from the edge towards the hangers. Neither Brennan nor De Beer suggests or discloses an assembly of Claim 25 having the additional limitations of Claim 26 or Claim 27.

Claim 29 is additionally patentable by calling for a tie extending through the necks above the body. Mailloux et al. do not disclose a tie for extending through the necks of the hangers above the spacer. Instead, Mailloux et al. disclose a clip, in contrast to a tie, for segregating

groups of clothing on hangers. The clip of Mailloux et al. does not extend through the necks of the hangers above a spacer of the type called for in Claim 25. In this regard, Mailloux et al. does not suggest or disclose use of its clip with the spacer of Claim 25.

New Claim 33 is different in scope than the other claims of record and is patentable by calling for a method for separating hangers having respective hooks and necks with a unitary, thin spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces comprising the step of sliding the spacer over the hooks of the hangers so that the necks extend through respective holes in the spacer whereby the spacing of the hangers by the spacer inhibits wrinkling of garments or other objects carried by the hangers. The novel method Claim 33 is not suggested or disclosed by the cited references.


Claims 34-36 depend from Claim 33 and are patentable for the same reasons as Claim 33 and by reason of the additional limitations called for therein.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. In the Abstract:

An apparatus [is provided] for receiving and separating a plurality of hangers having respective necks. The apparatus comprises a body of a substantially rigid material extending along a longitudinal axis. The body has opposite first and second surfaces and [is provided with] a plurality of longitudinally spaced-apart openings. The openings extend between the opposite first and second surfaces and are adapted for respectively receiving the necks of the plurality of hangers. The spacing of the hangers by the body inhibits wrinkling of garments or other objects carried by the hangers. The body [is provided with] has first and second longitudinally-extending portions inclined at an angle relative to each other. The inclination of the first and second portions relative to each other provides rigidity to the body.

2. In the Specification:

The paragraph beginning on Page 7, line 11 has been amended as indicated:

Another transport assembly utilizing an apparatus for spacing hangers of the present invention is shown in FIG. 9. Transport assembly 91 therein has similarities to transport assembly 11 and like reference numerals have been used to described like components of transport assemblies 11 and 91. Transport assembly 91 has a hanger spacer or garment hanger spacer 92 formed from a body 93 for use in receiving and separating a plurality of hangers 14. The elongate body 93 is made from any suitable materials such as plastic and extends along a longitudinal axis 96. The body 93, as shown in FIGS. 9 and 10, has a central portion 97 and at least one side portion [89] 98, each of which portions are preferably substantially planar, and opposite first and second surfaces 101 and 102 and first and second edges 103 and 104 adjoining the first and second surfaces 101 and 102.

3. In the Claims:

The following claims have been amended as indicated:

1. (Amended) [An apparatus for receiving and separating] A lightweight hanger spacer for use with a plurality of hangers having respective necks comprising a unitary, thin body of a [substantially rigid] material selected from the group consisting of cardboard and plastic extending along a longitudinal axis, the body having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart [openings] holes extending between the opposite first and second surfaces adapted for [respectively] slidably receiving the respective necks of the plurality of hangers whereby the spacing of the hangers by the body inhibits

wrinkling of garments or other objects carried by the hangers, the body being provided with first and second longitudinally-extending portions inclined at an angle relative to each other whereby the inclination of the first and second portions relative to each other provides rigidity to the body.

2. (Amended) The [apparatus] hanger spacer of Claim 1 wherein the first and second portions are bendable relative to each other.

3. (Amended) The [apparatus] hanger spacer of Claim 1 wherein the body is made from cardboard.

4. (Amended) The [apparatus] hanger spacer of Claim 3 wherein the body has a crease in the cardboard between the first and second portions for facilitating bending of the first and second portions relative to each other.

5. (Amended) The [apparatus] hanger spacer of Claim 1 wherein the body is made from plastic.

6. (Amended) The [apparatus] hanger spacer of Claim 1 wherein the first and second portions meet at an edge and each extend downwardly from the edge towards the hangers.

Cancel Claim 7.

8. (Amended) The [apparatus] hanger spacer of Claim 7 wherein the longitudinal axis is a longitudinal centerline and wherein the edge extends along the longitudinal centerline and the openings are spaced along the longitudinal centerline.

Cancel Claims 9-10.

11. (Amended) [An apparatus for receiving and separating] A lightweight hanger spacer for use with a plurality of hangers having respective necks comprising a unitary, thin body of a [substantially rigid] nonmetallic material, the body having a substantially planar central portion and opposite first and second side portions inclined at respective angles relative to the central portion, the central portion having opposite first and second surfaces and a longitudinal axis, the central portion being provided with a plurality of longitudinally spaced-apart [openings] holes extending between the opposite first and second surfaces adapted for [respectively] slidably receiving the respective necks of the plurality of hangers whereby the first and second side portions provide rigidity to the body and the spacing of the hangers by the central portion inhibits wrinkling of garments or other objects carried by the hangers.

12. (Amended) The [apparatus] hanger spacer of Claim 11 wherein the body is made from cardboard.

13. (Amended) The [apparatus] hanger spacer of Claim 11 wherein the body has a crease between the central portion and each of the first and second side portions for facilitating bending of the side portions relative to the central portion.

14. (Amended) The [apparatus] hanger spacer of Claim 11 wherein the central portion has opposite first and second side edges, the first and second side portions being joined to the central portion at respective first and second side edges.

15. (Amended) The [apparatus] hanger spacer of Claim 14 wherein the opposite first and second side edges extend parallel to the longitudinal axis.

16. (Amended) The [apparatus] hanger spacer of Claim 11 wherein the first and second side portions are each inclined at an angle of 180° or less relative to the first surface of the central portion.

17. (Amended) The [apparatus] hanger spacer of Claim 16 wherein the first and second side portions are each inclined at an angle of approximately 90° relative to the first surface of the central portion.

18. (Amended) The [apparatus] hanger spacer of Claim 16 wherein the first and second side portions are each inclined at an obtuse angle relative to the first surface of the central portion.

Cancel Claims 19-24.

25. (Amended) [A transport] An assembly comprising a plurality of hangers having respective necks, a [body of a substantially rigid material] unitary, thin spacer extending along a longitudinal axis, the [body] spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart [openings] holes extending between the opposite first and second surfaces for [respectively] slidably receiving the respective necks of the plurality of hangers whereby the spacing of the hangers by the [body] spacer inhibits wrinkling of garments or other objects carried by the hangers

26. (Amended) The assembly of Claim 25 wherein the [body] spacer is provided with first and second longitudinally-extending portions inclined at an angle relative to each other for providing rigidity to the [body] spacer.

28. (Amended) The assembly of Claim 25 wherein the [body] spacer is made from cardboard.

29. (Amended) The assembly of Claim 25 further comprising a tie extending through the necks above the [body] spacer and having first and second ends that can be tied together whereby the tie precludes the hangers from undesirably separating from the [body] spacer.

Cancel Claims 31-32.

Add the following claims:

33. A method for separating hangers having respective hooks and necks with a unitary, thin spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces comprising the step of sliding the spacer over the hooks of the hangers so that the necks extend

through respective holes in the spacer whereby the spacing of the hangers by the spacer inhibits wrinkling of garments or other objects carried by the hangers.

- 34. The method of Claim 33 wherein the spacer is made of a nonmetallic material.
- 35. The method of Claim 33 wherein the spacer is made of plastic.
- 36. The method of Claim 33 wherein the spacer is made of cardboard.

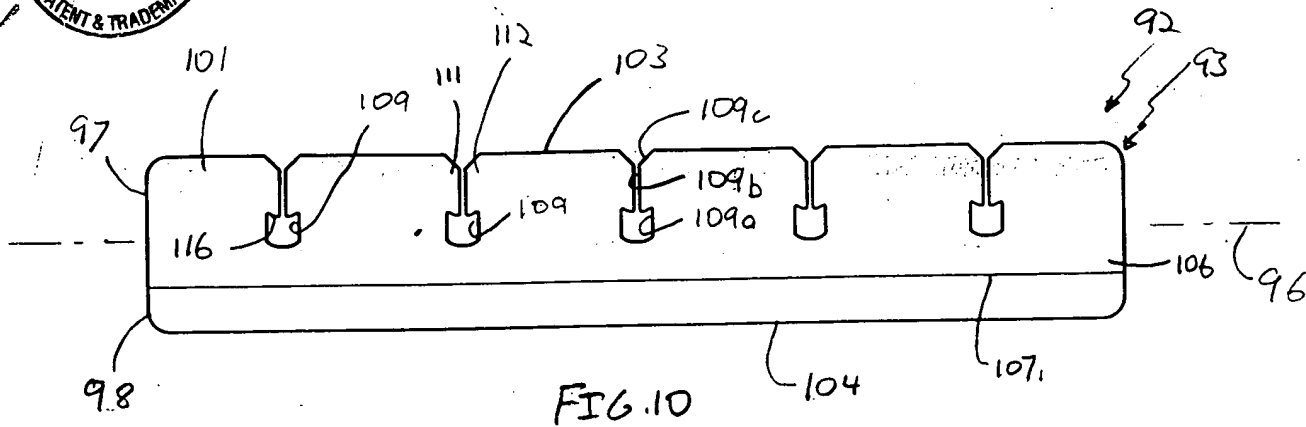


FIG. 11

DRAWINGS
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ARE APPROVED
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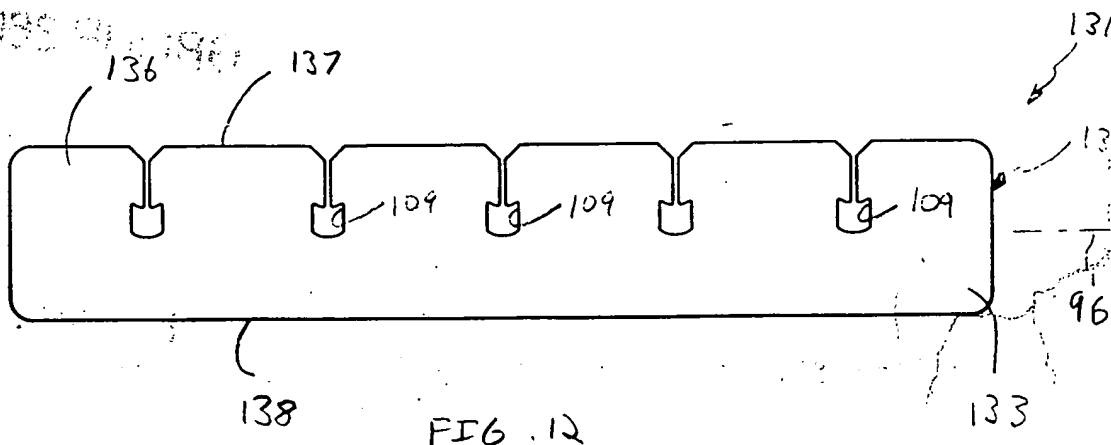


FIG. 12

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